

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

KRISTEN E. REID,

Plaintiff,

v.

Civil Action No. 3:21cv810

UNITED STATES OF AMERICA,

Defendant.

COMPLAINT

COMES NOW the Plaintiff, Kristen E. Reid, by counsel, and for her Complaint against the Defendant, United States of America, states as follows:

INTRODUCTION

1. This is an action for damages against the Defendant United States of America under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 2671 et seq. & 28 U.S.C. § 1346(b)(1), for negligence in connection with an employee’s careless and negligent operation of a motor vehicle in the course and scope of her federal employment with the National Aeronautics and Space Administration (“NASA”). *See Exhibit A* (Certification from Acting U.S. Attorney, E.D. Va., dated Apr. 22, 2021).

2. The claim for damages herein is brought against the United States under the FTCA for money damages as compensation for personal injuries caused to the Plaintiff by the Defendant’s negligence.

3. Plaintiff has fully complied with the notice provisions of 28 U.S.C. § 2675(a) of the FTCA by way of a Standard Form 95. *See Exhibit B* (filed Apr. 29, 2021).

4. This suit has been timely filed, in that Plaintiff timely served notice of her claim on NASA within less than two years after the incident forming the basis of this Complaint. *See* 28 U.S.C. § 2401(b).

5. Plaintiff is now filing this Complaint given that NASA has constructively denied her administrative claim by failing to make a formal final disposition of her administrative claim within six months after she filed her notice of claim. *See* 28 U.S.C. § 2675(a).

PARTIES, JURISDICTION, AND VENUE

6. Plaintiff is, and at all times relevant to this Complaint was, a resident of Ashland, Virginia.

7. Defendant United States of America, by and through NASA, was at all times relevant to this Complaint the employer of Casey L. Swails (“Swails”), a resident of Houston, Texas.

8. The motor vehicle crash giving rise to this Complaint took place on August 22, 2019 at the intersection of Lewis Road and Eubank Road in Henrico County, Virginia.

9. Jurisdiction is proper under 28 U.S.C. § 1346(b)(1).

10. Venue is proper under 28 U.S.C. § 1402(b) in that the incident giving rise to this Complaint occurred in the Eastern District of Virginia, Richmond Division.

FACTUAL ALLEGATIONS

11. On August 22, 2019, at about 5:18 p.m., Plaintiff was the driver of a 2018 Ford Fusion traveling southbound on Lewis Road heading towards Eubank Road.

12. At the same time, Swails was operating a 2018 Ford Fiesta in the course and scope of her employment with NASA traveling westbound on Eubank Road heading towards Lewis Road.

13. At the intersection of Lewis Road and Eubank Road, Eubank Road has a stop sign in both directions and Lewis Road has no stop sign or other traffic control device.

14. When Swails reached the intersection, she did not stop or slow down but rather proceeded to cross Lewis Road in complete disregard of the stop sign controlling her direction of travel.

15. At said time and place, Plaintiff had the right of way and thus entered the intersection when the vehicle operated by Swails slammed into Plaintiff's vehicle.

16. The force of the crash was so significant that it caused Plaintiff's vehicle to strike a third vehicle stopped at the intersection, thus causing a secondary collision with Plaintiff's vehicle.

17. As a result of the foregoing, Swails was found guilty of improper driving in violation of § 46.2-869 of the Code of Virginia (1950), as amended. *See Commonwealth v. Swails*, Case No. GT19054338-00 (Henrico County Gen. Dist. Ct.).

CAUSE OF ACTION FOR NEGLIGENCE

18. At the time and place of the crash, Swails owed Plaintiff the following duties:

- a. to use ordinary care to keep a proper lookout;
- b. to use ordinary care to keep her vehicle under proper control;
- c. to come to a full and complete stop at a stop sign;
- d. to react as a reasonable person would have reacted to avoid a collision; and
- e. to use reasonable care in driving, giving due regard to all surrounding circumstances, persons, vehicles, and traffic laws.

19. Notwithstanding such duties, Swails was negligent in one or more of the following ways:

- a. she failed to keep a proper lookout;
- b. she lost control of her vehicle;

- c. she caused or allowed her vehicle to strike Plaintiff's vehicle;
- d. she failed to come to a full and complete stop at a stop sign;
- e. she failed to react as a reasonable person would have reacted to avoid a collision; and
- f. she failed to use reasonable care in driving, giving due regard to all surrounding circumstances, persons, vehicles, and traffic laws.

20. Moreover, Swails was negligent per se in her failure to comply with § 46.2-869 of the Code of Virginia, (1950), as amended.

21. As a direct and proximate result of the aforesaid reckless, careless and/or negligent actions and omissions of Swails, Plaintiff sustained serious and permanent bodily injuries; has been prevented from transacting her business and household duties; has suffered and will continue to suffer physical pain and mental anguish; has suffered inconvenience and may suffer inconvenience in the future; has lost wages; and has incurred medical expenses including hospital, doctors and related medical bills for medical care and treatment necessary to treat, care for, cure and ameliorate her injuries.

22. The Defendant United States of America is liable pursuant to 28 U.S.C. § 1346(b)(1).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Kristen E. Reid moves for judgment against the Defendant United States of America in the sum of TWO HUNDRED FOURTEEN THOUSAND THREE HUNDRED AND TWELVE DOLLARS (\$214,312.00), plus interest from August 22, 2019, pursuant to § 8.01-382 of the Code of Virginia, (1950), as amended, and costs, together with such further and additional relief that this Court may deem proper.

KRISTEN E. REID

By: /s/ J. Penn Crawford.
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